

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

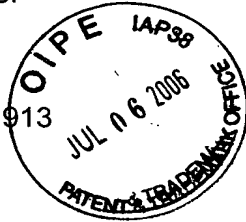
In re Patent Application of

Eduardo Cue et al.

Application No.: 09/607,913

Filed: June 30, 2000

For: **STORED ORDER SYSTEM FOR
ELECTRONIC COMMERCE**



) **MAIL STOP AMENDMENT**

) Group Art Unit: 3625

) Examiner: Rhode Jr., Robert E.

) Confirmation No.: 1176

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 6, 2006, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

All pending claims were rejected under 35 U.S.C. §102, on the grounds that they were considered to be anticipated by the Dodd patent (US 6,633,849). As pointed out in Applicants' previous response, the Dodd patent discloses a method and system for electronically purchasing gifts which is essentially the converse of the subject matter recited in the pending claims. In the system of the Dodd patent, the *purchaser* first goes to an electronic commerce site, to select and pay for a gift for an intended recipient. Referring to Figure 5, steps 502-514 indicate the process undertaken by the purchaser to select and purchase the gift. Thereafter, a notification is sent to the intended recipient, which enables the recipient to retrieve and view information about the gift (steps 524 and 526). At this point, the recipient can decide whether to accept the gift, or exchange it for a different gift.

In contrast to this process, the claims define a transaction in which the person who desires to receive a product first goes to an electronic commerce site, to select the product. Once the selection has been made, an email notification is then sent to the purchaser, to allow the purchaser to view the selection and, if approved, purchase the product that was selected by the first visitor to the site. Thus, in the system of the Dodd patent, the purchaser

first selects and pays for a gift, and then provides the ultimate user with the option to accept the gift. Conversely, in the context of the claimed subject matter, the ultimate *user* selects the product to be purchased, and then provides the purchaser with the option of paying for it.

In replying to Applicants' previous response, the most recent Office Action refers to an example of the Dodd system in which the original gift is a gift certificate. In that scenario, the recipient of the gift certificate can use it to purchase another gift. It is respectfully submitted that, even in that situation, the disclosure of the Dodd patent does not anticipate the claimed subject matter. For example, the first two steps of claim 1 comprise receiving order selections from a first user, and saving stored order data that includes the order selections. In the scenario described above, therefore, the order selection is the gift certificate.

Claim 1 goes on to recite the steps of generating a web page, sending an electronic mail message having the address of the web page, and in response to a request from the recipient of the message, providing the web page to the recipient. The final step of claim 1 is

In response to a request provided via said web page from the recipient to purchase the order selections in the stored order data, completing the sale of *said order selections* to said recipient. (emphasis added)

In the system of the Dodd patent, the gift recipient does not complete the purchase of the stored order selection, i.e. the gift certificate in the scenario described above. Rather, the purchase of that item was previously completed at step 514, before the recipient was notified of the gift. Instead, when the recipient uses the gift card to purchase a gift, an item which is *different* from the stored order selection is being purchased.

Claim 1 explicitly recites that, in response to a request from the recipient to purchase "the order selections in the stored order data," the sale of "said order selections" is made to the recipient. It is respectfully submitted that, in the system of the Dodd patent, the recipient of the gift card, i.e. the order selection, does not complete the purchase of *that* gift card to himself. Rather, the gift card, which has already been sold to the original purchaser, is used

by the recipient to purchase a different item. This different item does not constitute "said order selections", as that term is defined in the context of claim 1.


Accordingly, it is respectfully submitted that claim 1 is not anticipated by the disclosure of the Dodd patent, even when it is used for the purchase of gift cards. For the same reasons, each of claims 15, 22, 29, 33, 37 and 41, as well as their dependent claims, are not anticipated. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Respectfully submitted,

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